

## **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

### **LISTING OF CLAIMS**

1 – 7. (Cancelled)

8. (Currently Amended) A food waste disposer having a rotational source, comprising:

a rotatable member coupled to the rotational source, the rotatable member having an impact member attached thereto;

~~an impact member comprising an elongated throughhole movably attached to the rotatable member by fastening posts;~~

a stationary plate disposed adjacent the rotatable member and ~~defining~~ having a plurality of apertures extending therethrough;

a stationary ring having an inner wall disposed about the stationary plate; and

~~wherein at least one first portion of the rotatable member~~ the impact member having a bottom surface or edge that during operation of the food waste disposer

shears over at least some of the apertures in the stationary plate to shear the food

waste and having an outer end that during operation of the food waste disposer passes adjacent the inner wall to grind the food waste; and

~~wherein the elongated throughhole in the impact member allows the impact member to slide and swivel relative to the rotatable member during operation of the food waste disposer.~~

9. (Previously Presented) The food waste disposer of claim 8, wherein the sum of the open areas of the apertures in the stationary plate is approximately  $\frac{1}{3}$  of the total surface area of the stationary plate.

10. (Original) The food waste disposer of claim 8, wherein the rotatable member comprises a rotatable plate having a central portion attached to the rotational source.

11. (Original) The food waste disposer of claim 10, wherein the rotatable plate and the stationary plate are situated on a plane.

12. (Original) The food waste disposer of claim 10, wherein the stationary plate has a central opening in which the rotatable plate is positioned for rotation.

13. (Previously Presented) The food waste disposer of claim 12, wherein the stationary plate further comprises a plurality of teeth around the central opening forming additional apertures about the rotatable plate.

14. (Cancelled)

15. (Currently Amended) The food waste disposer of claim ~~14~~10, wherein the impact member comprises a lug fixedly or movably attached to the rotatable ~~plate~~member.

16. (Currently Amended) The food waste disposer of claim 10, wherein ~~the at least one first portion of the rotatable plate~~impact member shears over the apertures in the first stationary plate by passing at a separation distance of about 0 to 2 millimeters above the apertures.

17. (Withdrawn) The food waste disposer of claim 8, wherein the rotatable member comprises an impeller coupled to the rotational source.

18. (Withdrawn) The food waste disposer of claim 17, wherein the at least one first portion of the impeller comprises an impact member on the impeller having a surface or edge sliding on the stationary plate and passing over at least some of the apertures in the stationary plate.

19. (Withdrawn) The food waste disposer of claim 18, wherein the impact member comprises a lug fixedly attached to the impeller.

20. (Withdrawn) The food waste disposer of claim 18, wherein the impact member comprises a lug movably attached to the impeller.

21. (Withdrawn) The food waste disposer of claim 17, wherein the at least one first portion of the impeller further comprises at least one wing of the impeller having a surface or edge sliding on the stationary plate and passing over at least some of the apertures in the stationary plate.

22. (Cancelled)

23. (Original) The food waste disposer of claim 228, wherein the stationary ring comprises a plurality of teeth formed on the inner wall.

24. (Cancelled)

25. (Currently Amended) The food waste disposer of claim 248, wherein the impact member comprises a lug fixedly attached to the rotatable member.

26. (Currently Amended) The food waste disposer of claim 248, wherein the impact member comprises a lug movably attached to the rotatable member.

27 – 106. (Cancelled)

107. (Cancelled)

108. (Previously Presented) The food waste disposer of claim 8 wherein the impact member is forged, cast or machined.

109. (New) The food waste disposer of claim 26 wherein the lug includes a throughhole movably attached to the rotatable member by a fastening post, the elongated throughhole in the lug allowing the lug to slide and swivel relative to the rotatable member during operation of the food waste disposer.

110. (New) The food waste disposer of claim 15 wherein the lug includes a throughhole movably attached to the rotatable member by a fastening post, the elongated throughhole in the lug allowing the lug to slide and swivel relative to the rotatable member during operation of the food waste disposer.

111. (New) The food waste disposer of claim 8 wherein the impact member includes a movable lug movably attached to the rotatable member and a fixed lug fixedly attached to the rotatable member.

112. (New) The food waste disposer of claim 111 wherein the movable lug includes a throughhole movably attached to the rotatable member by a fastening post, the elongated throughhole in the lug allowing the movable lug to slide and swivel relative to the rotatable member during operation of the food waste disposer.

113. (New) The food waste disposer of claim 111 including an inner fixed lug fixedly attached to the rotatable member so that it is disposed inwardly from an outer edge of the rotatable member.

114. (New) The food waste disposer of claim 25 including an inner fixed lug fixedly attached to the rotatable member so that it is disposed inwardly from an outer edge of the rotatable member.